

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Edward F. Groden et al.)	
)	
Plaintiffs)	
)	
v.)	Civil Action No: 1:20-cv-10648-WGY
)	
Fairside Trucking, Inc. et al.)	
)	
Defendants)	

Defendant's Rule 26 Automatic Disclosures

Now Come the Defendants, Fairside Trucking, Inc., Carney Bros. Trucking Inc., Carney Bros. Rental, Inc., and George L. Carney, Jr. ("Defendants"), and pursuant to Rule 26 of the Federal Rules of Civil Procedure, make the following Automatic Disclosures:

1. Names and Known Address and Telephone Number of Each Individual Likely to Have Discoverable Information, along with the Subject of Such Information.

In addition to witnesses identified by the Plaintiffs:

- 1) George L. Carney, Jr.
President
Fairside Trucking, Inc.
1958 Broadway
Raynham, MA 02767
(508) 561-5200

Subject of Information: Communications with Brian McElhinney regarding the New England Teamsters and Trucking Industry Pension Fund. General knowledge of company, bargaining, and fund contributions.

- 2) Joseph A. Cappucci
Accountant
Fairside Trucking, Inc.
1958 Broadway
Raynham, MA 02767
(508) 380-0013

Subject of Information: Communications with the Fund and Fund's counsel concerning alleged delinquent contributions, partial withdrawal, and audit; remittances.

- 3) Brian T. Stafford
Fund Manager
New England Teamsters and Trucking Industry Pension Fund
1 Wall Street, 4th Floor
Burlington, MA 01803
(781) 345-4400

Subject of Information: Communications regarding alleged partial withdrawal liability of Fairside Trucking.

- 4) Eileen Savoia
Audits and Collection Support
New England Teamsters and Trucking Industry Pension Fund
1 Wall Street, 4th Floor
Burlington, MA 01803
(781) 345-4444

Subject of Information: Fund contributions and alleged partial withdrawal.

- 5) Christina Bernius
Membership Account Manager
Teamsters Union Local No. 653
4-B Hampden Drive
South Easton, MA 02375
(508) 230-7140

Subject of Information: Information regarding alleged partial withdrawal liability and contributions.

- 6) Catherine M. Campbell
Feinberg, Campbell and Zack, P.C.
177 Milk Street, Suite 300
Boston, MA 02109
(617) 338-1976
Subject of Information: Communications with Joseph Cappucci and Fairside Trucking concerning alleged delinquent contributions, partial withdrawal, audit and remittances.

- 7) Brian McElhinney, President
Teamsters Union Local No. 653
4-A Hampden Drive
South Easton, MA 02375

(508) 230-7140

Subject of Information: Communications with George Carney and Fairside Trucking regarding the New England Teamsters and Trucking Industry Pension Fund and collective bargaining matters.

- 8) Coleen Barrett-Holland
Payroll Auditor
New England Teamsters and Trucking Industry Pension Fund
1 Wall Street, 4th Floor
Burlington, MA 01803
(781) 345-4400

Subject of Information: Information regarding alleged partial withdrawal liability and contributions.

2. A Copy or a Description by Category and Location—of All Documents, Electronically Stored Information, and Tangible Things that the Disclosing Party has in its Possession, Custody, or Control and May use to Support its Defense.

In addition to documents identified by the Plaintiffs:

- 1) Collective Bargaining Agreement (Addendum B) between Teamsters Local 653 and Fairside Trucking, Inc.
- 2) Email communication between Joseph Cappucci and Catherine M. Campbell, Attorney for Teamsters Fund, regarding delinquent contributions
 - a. Email dated June 28, 2018 from Catherine Campbell to Joe Cappucci regarding “new employer” in the Fund for withdrawal liability purposes.
 - b. Email dated August 9, 2018 from Joe Cappucci to Catherine Campbell regarding Withdrawal Liability Default Notice dated August 2, 2018.
- 3) New England Teamsters and Trucking Industry Pension Fund Employer Remittance Reports for Fairside Trucking to present
- 4) Settlement Agreement regarding delinquent contributions.
- 5) Process for Current Contributing Employer Transitioning to New Employer Status

On information and belief, all such documents are in the possession or control of the Plaintiff.

3. Computation of Categories of Damages, with Supporting Documents

Attorney’s fees and costs to be awarded to Defendants as prevailing parties.

4. Insurance Agreement or Policy

None.

Defendants reserve the right to supplement the Automatic Disclosures if they become aware of supplemental information.

Respectfully submitted,
By the Defendants,

BY: /s/ Debra Dyleski-Najjar
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Alexander E. Najjar, BBO 686849
Najjar Employment Law Group, PC
869 Turnpike Street, Suite 209
North Andover, MA 01845
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DATED: October 29, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system on October 29, 2021 was served electronically on all registered participants as identified on the Notice of Electronic Filing (NEF), including to Counsel for the Plaintiffs.

DATED: October 29, 2021

/s/ Debra Dyleski-Najjar
Debra Dyleski-Najjar